

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION,
OPIATE LITIGATION

MDL NO. 2804

Case No. 17-MD-2804

Judge Dan Aaron Polster

THIS DOCUMENT RELATES TO:

Rees v. McKesson Corporation, et al.
MDL Case #1:18-OP-45252

Ellis v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45464

Simonson v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45479

Wood v. Purdue Pharma L.P., et al.
MDL Case #1:18-OP-45264

DeMaro v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45465

Delancey v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45480

Salmons v. Purdue Pharma L.P., et al.
MDL Case #1:18-OP-45268;

Cruz v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45466

Stewart v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45481

Ambrosio v. Purdue Pharma L.P., et al.
MDL Case #1:18-OP-45375

Paul v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45467

Shewmake v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45482

Flanagan v. Purdue Pharma L.P., et al.
MDL Case #1:18-OP-45405

Lechuga v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45468

Weathermax v. Purdue Pharma, LP., et al.
MDL Case No. #1:19-op-45483

Whittley v. Purdue Pharma LP., et al.
MDL Case #1:18-OP-45598

Brumbarger v. Purdue Pharma, LP., et al.
MDL Case No. #1:19-op-45469

Martinez v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45484

Roach v. McKesson Corporation, et al.
MDL Case No. #1:18-OP-45662

Means v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45470

Warren v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45486

Hunt v. Purdue Pharma L.P., et al.
MDL Case No. #1:18-OP-45681

Peterson v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45472

Carlson v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45487

Hanlon v. Purdue Pharma L.P., et al.
MDL Case No. #1:19-op-45052

Hampel v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45473

Flach v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45488

Doyle v. Purdue Pharma L.P., et al.
MDL Case No. #1:18-op-46327

Whittaker v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45475

Ivie v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45489

Moore v. Purdue Pharma L.P., et al.
MDL Case No. #1:18-op-46305

Tuttle v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45476

Cherry v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45490

Artz v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45459

Hamawi v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45477

Ortiz v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45492

Rodriguez v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45463

Gauthier v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45478

Meinecke v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45493

Brant v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45494

Williams, v. Purdue Pharma, L.P., et al.
MDL Case No. #1:19-op-45485

NOTICE -NAS BABY LITIGATION

Now come, Counsel for NAS Baby Plaintiffs, who bring notice to the Court of the following:

On August 22, 2019, the Court ordered counsel for NAS Baby Plaintiffs, in a non-document, to amend four complaints to assert class allegations.

On September 14, 2019, Doc. 2605, a Motion for Leave to File Plaintiffs' Motion to Extend Time to File Amended Class Action Complaints for Good Cause Shown Renewed Motion was filed by NAS Baby Plaintiffs;

On September 14, 2019, Doc. 2603, a Motion and Memorandum in Support to Disqualify Judge Pursuant to 28 U.S.C. Sec. 455(a) was filed;

On September 15, 2019, Purdue Pharma L.P., et al., filed for protection under Chapter 11 of the Bankruptcy Code;

On September 16, 2019, Doc. 2607, the Plaintiff Executive Committee filed Plaintiffs' Memorandum in Opposition to Defendants' Motion to Disqualify Judge Pursuant to 28 U.S.C. Sec. 455(a);

On September 16, 2019, Doc. 2608, a Stipulation and [Proposed] Order Severing Defendants Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company Inc. was filed;

On September 16, 2019, Doc. 2609, Notice of Suggestion of Bankruptcy and Automatic Stay of Proceedings was filed.

Counsel for NAS Baby Plaintiffs as of 1:00 p.m. eastern time has attempted to contact both Special Masters to no avail.

Given that NAS Baby Plaintiffs must amend cases that have been stayed and that the Court presently has a motion to recuse itself, and that no action has been taken on any motions filed before the Court for extension of time, or for severance of the Purdue interests in the MDL, Counsel for NAS Baby Plaintiffs will await further instruction from the Court.

All complaints filed on behalf of NAS Babies that would be amended pursuant to Order of this Court include Purdue Pharma and related entities and, as a consequence, cannot be duly filed at this juncture without exposing plaintiffs to contempt from the bankruptcy court; accordingly, the contemplated amended pleadings require editing of the claims against Purdue. Furthermore, even if Plaintiffs could file amended pleadings pursuant to this Court's order, in the absence of the current stay, Counsel contends that additional time is needed regarding discovery issues in order to further refine its claims.

Dated: September 16, 2019

Respectfully submitted,

/s/ Scott R. Bickford

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CERTIFICATE OF SERVICE

A copy of the foregoing was filed via the Court's electronic filing system on September 16, 2019. Notice of this filing will be sent by e-mail through the Court's electronic case-filing system to all counsel of record.

/s/Scott R. Bickford
SCOTT R. BICKFORD